

APPROVED: Meeting No. 36-94

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 31-94

October 24, 1994

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on October 24, 1994, at 7:38 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember Nina A. Weisbroth

In attendance: City Manager Bruce Romer, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Mr. Romer noted that the Department of Justice invited the Police Department to join other U.S. law enforcement agencies to participate in a training exercise in Haiti and Guantanamo Bay, Cuba. The invitation came from the individual who had headed the City's accreditation team. The exercise called for a two-week tour of duty where U.S. officers would be used to train the newly reorganized police forces in Haiti and Cuba.

Mr. Romer said it was important to note that at this time, our police staff had only made an expression of interest in participating; we have not heard back from the Department of Justice.

2. The final element of the West Montgomery Avenue reconstruction project is underway with the installation of decorative street lighting fixtures. The lights were designed

and copied from historic photographs of the original fixtures and were fabricated specifically for the Rockville project. The company that did the work now refers to these fixtures as the "Rockville model."

3. Mr. Romer noted that on October 23rd, the Mayor and Council participated in a community meeting in the Montrose neighborhood. The purpose of the meeting was to share information about recent activities in the neighborhood and to provide an opportunity for residents to express interest in and concern about neighborhood activities. Mr. Romer reported that staff had begun follow-up on the neighborhood issues regarding street lighting, signage and speeding.

4. On October 22nd, the Mayor and Council kicked off the 1994 Community Services Day program. Rockville hosted one of five local celebrations and approximately 150 people attended a rally at City Hall. Mayor Coyle welcomed officials and guests that included Congresswoman Connie Morella, Montgomery County President, Bill Hanna, and Bell Atlantic CEO Ray Smith. The rally was sponsored by Bell Atlantic.

Re: Presentation to students from
Rockville's Sister City of
Pinneberg, Germany.

The Mayor and Council presented certificates to eleven students and two teachers from Johannes-Brahms-Schule in Pinneberg who arrived in Rockville on October 22nd for a three-week visit. The students were being hosted by families from Wootton High School with the school's Foreign Language Coordinator Tony DeRosa's assistance. The teachers accompanying the group were being hosted by Bob Nelson, a member of the Sister City Board of Directors, and his wife Carolyn. In addition, Richard Montgomery High

School family Bill and Nancy Bullough is hosting a Pinneberg student on a private visit for a full year, and another Pinneberg student, Birgit Rosenblatt, is being hosted by Rockville family Jan and Steve Groft.

Re: Presentation of Certificates of
Appreciation to Calling On America
Campaign participants.

Claudia Segal, Chair of the Human Rights Commission Outreach Committee spoke to the Mayor and Council about the activities Calling On America Campaign participants were involved in. The activities included the compiling of a directory of ADA resources; sponsoring presentations and discussions on topics of interest to persons with disabilities; providing suggestions to increase accessibility within the City; and sharing tips on successful, low-cost accommodations. Ms. Segal gave special thanks to Community Services Director Josephine Roberts, and her staff Diane Grigsby, Michael Mitchell, and she also thanked specific members of the Campaign who assisted in developing the resource directory. Ms. Segal then assisted the Mayor and Council with presenting the Certificates of Appreciation to the Campaign participants who were present in the audience.

Re: Presentation by Rockville Center,
Inc. (RCI) on the status of the
Town Center Redevelopment
Project.

Mark Troen, RCI's Vice President of Development and Nancy Regelin presented the second in a series of quarterly reports designed to keep the public and the Mayor and Council informed of the status of the project. Mr. Troen said that RCI had completed approximately 90% of the work towards development of a formal marketing campaign. Once the demolition schedule was in place, RCI would go out with a formal plan

that would allow them to actively market the site. Some major entertainment and office users have been discussing plans with RCI. Mr. Troen also said demolition of Phase III of the mall had been ongoing; he explained that bids would be delivered on October 27th for the rebuilding and renovation of Courthouse Square and the reconstruction of Maryland Avenue. Construction would start in November and by April, 1995, a new road would be built from Middle Lane to the midway entrance of the Judicial Center and the midway entrance of Victoria Condominiums. Mr. Troen said that ensuring accessibility for both pedestrians and vehicles has been RCI's foremost concern in the project. Phase II and III will allow the rebuilding of Maryland Avenue from Jefferson Street up to the Judicial Center and Courthouse Square to Washington Street back to the east to the center of Courthouse Square. This will take about 60 days and will take place during the months of April, May, and June. The final element of the project is the park itself which involved two parts--the main Courthouse Square park with the new fountain and sculpture, and the new park to be built on the parcel acquired by the City on Jefferson and Maryland Avenue. Construction of the park will take 45 days and would begin in the Spring in order to deal with new plants, materials, and construction and to ensure that the park is open and accessible for as long as possible. RCI was hoping for completion of the park by the end of summer; by the end of August, they anticipated that all new streets would be in place as well.

Mr. Troen said that RCI has met with the architects, engineers and City staff and have developed an intensive schedule of activities. The Community Development Department was preparing signage to alert everyone of the new walk patterns. In addition, RCI received certification from the State for the next stage of funding, and they also have

confirmed that 1.2 million in State highway funding is committed and will allow for transportation projects to take place around town center and allow for revisions of signals around Maryland Avenue and Jefferson Street.

RCI made arrangements with the Metro Deli, the last remaining mall tenant and agreed to move and relocate the Deli to the 250 Hungerford Drive office building.

Lastly, Mr. Troen noted that approximately 60 bricks remained of the old mall and the Mayor and Council were each presented with a brick as a memento. Mr. Troen said that RCI was looking forward to working with everyone on pursuit of the final \$2 million from the State of Maryland, which he said, had been signed off on by Governor Schaefer. Councilmember Krasnow asked whether there would be a traffic light at the new intersection of Maryland Avenue and East Montgomery. Mr. Troen said there would not be one at this time, but a request had been made to engineer for that possibility if the need arises.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Marian Padilla invited the Mayor and Council to attend two upcoming events. On October 30th, an International Fair for studies and technology would be held at Einstein High School. The Youth Stand Against Violence Fall Kick-Off would take place on November 9, 1994 at the Rockville Youth Services Center.

2. Anita Summerour, President, Lincoln Park Civic Association accompanied by Wilma Bell, Corresponding Secretary, expressed concern about the impact of church property on the Lincoln Park community, and specifically Mt. Calvary's petition to expand their

shelter. Ms. Bell added that the petition did not address the impact on this community of homeowners. She said there was also a large number of assisted housing in Lincoln Park and residents believed that any growth in Lincoln Park should be in prevention since there was a large number of at-risk facilities.

Councilmember Krasnow said that as a volunteer with the Rockville Care Givers, she was very familiar with the work of the group; she expressed concern that the community had some problems with the expansion. Ms. Bell explained that the problem was with the shortage of affordable housing and she said that expanding the shelter was inconsistent with the residents' vision of community with stability. Residents were concerned that the people in their community who needed help would not get it because the emphasis would be in growth in transitional housing and the area was already saturated with shelters.

Mayor Coyle recalled that the City had established a policy some years ago that addressed the location and the number of facilities in any given neighborhood. Councilmember Weisbroth suggested that it would be helpful for the Mayor and Council to take a look, City-wide, at where shelters and other similar facilities were located in the City.

At Councilmember Marrinan's request, Director of Community Development, Neal Herst explained the planning and decision making process for Mt. Calvary's petition. Mr. Herst said on October 26th, the Planning Commission would make a recommendation to the Board of Appeals (BOA) regarding the special exception required for the use to continue, as well as the variance required to allow the expansion to occur. The BOA would meet to formally take action on these on November 1st. Mr. Herst said that prior to any new construction occurring, the issue would go back to the Planning Commission for a use permit

application; if approved the expansion would be allowed to occur. Councilmember Weisbroth noted that all processes were open to the public and residents who had an interest in the matter could come forward and make a statement to the Board of Appeals and the Planning Commission.

3. Maria Furatino, 8532 Church Hill Down, Gaithersburg spoke in support of the ice rink proposed by RinkSport to be built in Rockville. She reported on the deficiencies of various ice rinks in the metropolitan area.

4. Alan Fuerst, Resident of Rockville and one of six general partners who have developed the Reston Ice Forum, a twin Ice Rink facility. He also noted the presence of Brian Cohn and Nate Smith, of CCF Sports Group, which he said was formed by his group to work with future ice rinks in the area. Mr. Fuerst said if the City agreed to move forward with a rink, his group would welcome the opportunity to be involved in the process.

5. Bill Meyer, 504 Leverton Road commented on Agenda Item 10, the approval of the off-site stormwater management on Seven Locks Road. He noted that the approval was going to the Locks Pond Court existing SWM facility which would again be compensating storage because the existing runoff was already conveyed over land and the water would never go into any SWM facility unless the County built something on their land downstream of the Seven Locks Pond. He expressed concern about the Locks Pond facility which he said was in serious need of repair and substantially filled in with debris. Mr. Meyer also said the actual outlet structure was in need of reconstruction because there was additional substantial erosion.

Councilmember Dorsey referenced the remarks made by the Lincoln Park Civic Association. He said the process involved hearings before the Board of Appeals and the Planning Commission and he urged the participants to listen to the concerns raised by the residents.

6. Bob Rosen, President, Rockville Arts Place (RAP) said he was also the founding parent and sponsor of Churchill Ice Hockey and a board member of the Montgomery Youth Hockey. He spoke in support of RinkSport's proposal for an ice rink in Welsh Park.

Regarding RAP, Mr. Rosen highlighted RAP's activities that were presented in a report to the Mayor and Council in early October. After beginning the last fiscal year with a deficit of over \$50,000, RAP ended the fiscal year with all their bills paid and over \$18,000 accrued. Mr. Rosen said that RAP will sponsor their first annual craft and art show, November 18 through December 4th. During the past year, RAP also received a United Way number (#8462) and could accept combined campaign donations. This past year they designed 29 summer arts classes in 8 schools (7 of which were in Rockville), with more than one-third of the classes fully subscribed. In addition, they were planning an arts and photography exhibit as well as other educational programs for youth. RAP was also seeking assistance from the public on a scholarship program. RAP recently formed a strategic planning process to think about RAP's movement into the future. Mr. Rosen then announced that the executive search committee recommended to the Board, the appointment of Christine Adams as RAP's new Executive Director.

Re: Appointments

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, David Herson was appointed to serve on the Historic District Commission. Councilmember Krasnow noted the letter of affidavit submitted by Mr. Herson, indicating that his cabinet business would abstain from taking on any new work within the City of Rockville. Ms. Krasnow questioned whether this affidavit was even necessary; she expressed concern that this would be limiting to Mr. Herson's business. City Attorney Glasgow confirmed that the affidavit was not necessary and went beyond any requirement by the City regarding potential conflicts of interest. Staff was asked to inform Mr. Herson, in writing, that his affidavit was not a necessary condition of his appointment and give him guidance on what was required.

Re: Consent Agenda

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the following Consent Agenda items were approved.

- (A) Award of Bid #37-95
To: Evensen Dodge, Inc.
Of: Minneapolis, Minnesota
In the amount of: The cost varies based on the frequency and size of bond issues. The estimated total cost over the next 3 years is \$41,000.

For: Financial advisory services.

(B) Award of Bid #47-95
To: Turf Equipment & Supply Co., Inc.
Of: Elkridge, Md.
In the amount of: \$22,163.00

For: Purchase of lightweight fairway
mower.

Re: Approval for participation in the
off-site SWM program for quantity
control and partial quality control
resulting from the redevelopment of
Town Center at Courthouse Square
in the Rock Creed and Cabin John
drainage areas and the acceptance
of a \$436,420 contribution for the
off-site SWM fund.

The runoff is conveyed to the
existing Maryvale II and Mount
Vernon SWM facilities.

Mr. Romer said this request was guided by the Transition and Development agreement between the City and RCI on the redevelopment of downtown. He explained that the participation involved a large contribution to the off-site SWM fund and said that in consideration of the 10 acres in the heart of downtown, and the rates charged for participation in the system for quality and quantity control were applied, this resulted in the \$436,420 contribution. Mr. Romer noted that the developer was in full agreement with the contribution and had submitted a letter supporting the request. Councilmember Krasnow pointed out the significance of such a large contribution to the SWM fund for what was in fact an already an impervious area. She said the area was not a new impervious area and the City's ordinance was written to require that when an area was redeveloped, a developer had to make a commitment to the SWM fund.

Mr. Romer said that staff was preparing a presentation to the Mayor and Council on stormwater management policy issues. Ms. Krasnow asked that the presentation include some visual aids to show the location of existing facilities and to what degree they were full. She also asked for information on where the planned facilities will be located and which areas flowed into the facilities.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the participation was approved and the \$436,420 contribution for the off-site SWM fund was accepted.

Re: Approval for participation in the off-site SWM program for quantity control resulting from a mechanical room addition at 1151-D Seven Locks Road, which is on the north side of Fortune Terrace, in the Cabin John drainage area and the acceptance of \$9,600 contribution for the off-site SWM fund. The developer is the Allan J. Riley Marital Trust.

The runoff is conveyed to the existing Locks Pond Court SWM facility.

Mr. Romer noted that the request involved an addition to an existing structure, the parcel the facility was located on did not have any available area to construct any type of SWM facilities. Councilmember Krasnow noted Mr. Meyer's earlier comments and expressed concern about the debris preventing capacity for additional water. Civil Engineer, Janette Fearon said there were some maintenance concerns in the past; however, staff was awaiting the Cabin John Study recommending a type of facility before any retrofitting was

done. Staff had also been monitoring and inspecting the facility annually. Ms. Fearon said with the actual waiver, the runoff from the site did not drain into the facility and the addition of the water would not impact it at all. The redesign was being worked on and staff was also working with local homeowners association to get their input of the design of the facility.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the participation was approved and the \$9,600 contribution for the off-site SWM fund was accepted.

Re: Award for Lincoln Park Art Project to Christine Normart Hoenstine, in the amount of \$15,000. The award is recommended by the artist nomination committee as well as the Cultural Arts Commission.

\$15,000 is budgeted in the Lincoln Park Neighborhood Enhancement Project CIP.

Director of Community Services, Josephine Roberts briefed the Mayor and Council on the art project. Twenty-seven artists submitted proposals in a response to a call for entries sent to over 1,800 regional artists. Three artists were invited to create and submit site-specific proposals to the artists nomination committee which consisted of neighborhood representatives. The committee voted unanimously to recommend that Ms. Normart Hoenstine be awarded the commission for her concept which involved the joining in a central plaza area of three concrete, walkways made of tiles that illustrated the story and history of Lincoln Park.

In response to a question from Councilmember Dorsey, Ms. Roberts noted that ground breaking would take place in the Spring and the artist was planning to hold a

community "night out" to watch over the project and protect it from vandalism.

Councilmember Krasnow said it would be important for the Mayor and Council to have an opportunity to review the tiles selected to make sure that any images selected not only reflected the community but did so in a non conflicting and appropriate way.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Cultural Arts Commission recommendation to award the Lincoln Park Art Project to Christine Normart Hoenstine, was accepted.

Re: Introduction and Adoption of
Ordinance to grant Text
Amendment Application TXT94-
0142, F&H Investments Ltd.
Partnership, Jefferson Street Joint
Venture & 1570 Associates Ltd.
Partnership, Applicants.

Amendment to the Zoning
Ordinance so as to allow certain
nonconforming buildings in the
RPR Zone to be reoccupied by uses
permitted in the C-2 Zone, and to
provide for reconstruction of the
existing buildings.

Ordinance No. 15-94

Councilmember Dorsey expressed concern that while previous discussions by the Mayor and Council seemed focused on RPR zones in general, the language in the text amendment appeared to specify the area related to Congressional Plaza. Community Development Director, Neal Herst explained that the text amendment applied to all RPR zones and was universal in its application, and while the text amendment was generated by

the specific needs of three property owners, it was universally applicable to all properties in the RPR zone.

Councilmember Weisbroth commented that the text amendment change was a positive step by the Mayor and Council because it offered an opportunity for persons to continue to use properties and it would help prevent the "empty building" syndrome.

Councilmember Marrinan said he agreed with Mr. Dorsey's assessment that the language seemed focused on a narrow area for three properties. He said that he did not realize that the text amendment would apply in other areas and he questioned what the potential impact would be on other areas. He noted that with recent discussions of the town house overlay proposal, there was some sensitivity as to the application. City Attorney Glasgow clarified that staff and the Planning Commission had looked at the impact the text amendment would have on all like properties. Mr. Glasgow said that he recalled the Mayor and Council's discussion about a few select properties the amendment would impact. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Ordinance was introduced. Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the layover period was waived. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Ordinance was adopted.

Re: Introduction and Adoption of
Ordinance to grant Text
Amendment Application TXT94-
0144, Joseph A. Lynott, Attorney
for Federal Realty Investment
Trust, Applicant.

To amend the Zoning Ordinance so as to allow additions to certain developments in the RPC Zone to encroach into the RPR Zone.

Ordinance No. 16-94

Mr. Romer pointed out that the text amendment was also before the Mayor and Council with the request from the developer to facilitate introduction and adoption of the ordinance. Councilmember Weisbroth said that like the previous text amendment, this was also a very positive step giving the business community some opportunity where there was not a complete redevelopment and as a result, there would be hopefully some very interesting architectural concepts and features on the back side of Congressional Plaza. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Ordinance was introduced. Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the layover period was waived. Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Ordinance was adopted.

Re: FYI/Correspondence

1. Councilmember Krasnow questioned whether there had been any interaction with Metro to inform them the of the City's plans to renovate the Lincoln Park bridge. Mr. Romer responded that conversations with Metro went back over a year and were also regular and ongoing.

Mrs. Krasnow noted that the Detention Center evacuation drill taking place on October 26th, between 4 and 6:30 p.m. Staff confirmed that notification had been made to the homeowners in the area.

2. Councilmember Weisbroth thanked staff for moving forward so quickly on the Mayor and Council's new initiative to develop a landscape award program for Rockville businesses.

Re: New Business

1. Ballot Question B. Upon motion of Councilmember Krasnow, duly seconded, the Mayor and Council voted unanimously to endorse Question B on the November 8th Ballot. Passage of Question B would amend the County Charter to exclude grants, tuition and related charges from the County Affordability Guidelines. Staff was directed to transmit the Mayor and Council's position to Montgomery College.

2. Ballot Question D (The Ficker Amendment). Councilmember Krasnow suggested that the Mayor and Council also take a position to oppose the Ficker amendment; a proposal to implement an across-the-board cut in taxes to 52%. She said the amendment would have a negative impact on the City of Rockville's revenues and on the many services provided by Montgomery County. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Mayor Council endorsed the idea to prepare a press release opposing Question D.

3. Councilmember Krasnow noted the informational meeting on the ice rink proposal scheduled for October 25th, 7:30 p.m., at Beall Elementary School.

4. Councilmember Dorsey noted the passing of civic activist, Dr. Calvin Rolark on October 23rd. Dr. Rolark had served as the City's keynote speaker at the Martin Luther King, Jr. ceremony some years ago.

5. Mayor Coyle expressed concern about the Police Department's interest in taking part in the training of police in Haiti and Cuba. The Mayor and Council agreed that there are many issues of concern because the area was still a hostile zone, and there were also questions with respect to City's personnel policies and legal and liability issues that would have to be addressed.

Re: Next Meeting

The Mayor and Council's next General Session will be held on Monday, on November 14, 1994.

Re: Adjournment to Executive Session

Upon motion of Councilmember Krasnow, duly seconded, with Mayor Coyle, Councilmembers Dorsey, Krasnow, Marrinan, and Weisbroth voting "aye," the Mayor and Council called an Executive Session at 10:10 p.m., pursuant to Section 10-508(a)(1)(8) of the State Government Article, Annotated Code of Maryland, to consult with staff and legal counsel about potential litigation.